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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,673	07/24/2001	Taro Endo	01430/LH	3874

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 5TH AVE FL 16
NEW YORK, NY 10001-7708

EXAMINER

NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/911,673	Applicant(s) ENDO ET AL.	
	Examiner Kevin M. Nguyen	Art Unit 2674	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 6,7,9,11,13-21 and 26.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Kevin M. Nguyen
 Patent Examiner
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Continuation of 11.

Applicant's arguments filed 11/01/2005 have been fully considered but they are not persuasive. Applicant argues with respect to claims 6, 7 and 26 that "the cited references fail to disclose, teach or suggest on-screen display information that travels in a loop from the display, to the host, and back to the display," see pages 2-5. In response, Examiner respectfully disagrees. As stated *infra* with respect to claims 6, 7 and 26, Examiner finds that Frederick et al (Frederick) teach "when the display is in slave-mode and the PC has complete control of the tuner and stores the channel map, the host computing device and application software will be responsible for the channel mapping, Closed Caption Decoding, and V-chip requirements," see col. 4, lines 46-50. This interface allows the PC 14 to read and write to the display's memory space, see col. 9, lines 61-63. Thus, the channel mapping, Closed Caption Decoding, and V-chip requirements correspond to an information superimposing section as claimed. The at least Closed Caption Decoding performs the functionality of superimpose on-screen display information on the video signal (the Closed Caption superimposes, in the meantime, the motion picture of the TV signal/video data) as claimed. As stated *infra* with respect to claims 6, 7 and 26, Examiner finds that Frederick further teaches the universal serial bus (USB) is a bidirectional serial bus that operates both the PC 14 and the display 12 to initiate a communication transaction. This functionality allows the display 12 to inform the PC 14 (see fig. 6) about event such as a button press on the display's front panel, see fig. 6, col. 10, lines 6-11. Frederick further teaches the PC 14 and the display 12 also support the USB Class Definition and for Human Interface

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Devices (HID) specification V1.0 for transportation of user input from the display 12 back to the PC 14, see fig. 6, col. 10, lines 15-19. Thus, a person of ordinary skill in the art to recognize that the HID or the button press on the display's front panel, e.g., on-screen display (OSD) [the display manufacturer wants to process the user input and generate the OSD internally for a specific control when the display 12 is in slave mode, see col. 11, lines 39-41] such as the volume, contrast, brightness, and color are displayed/superimposed on the video signal, see col. 11, lines 58-63, that travels in a loop as claimed [the bidirectional serial bus that operates both the PC 14 and the display 12 for communicating, see more explanations below] from the display, to the host as claimed [user input from the display 12 back to the PC 14] and back to the display as claimed [bidirectional communicated signals to the display 12, see more explanations below].

Examiner explains the bidirectional serial bus that operates both the PC 14 and the display 12 for communicating as the loop signals. As stated *infra* with respect to claims 6, 7 and 26, the case law stated that "Drawing as a Reference", "Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification". see *In re Mraz*, 173 USPQ 25 (CCPA 1972). "A claimed invention may be anticipated or rendered obvious by a drawing in a reference, whether the drawing disclosure by accidental or intentional. However, a drawing is only available as a reference for what it would teach one skilled in the art who did not have the benefit of applicant's disclosure". See *In re Meng*, 181 USPQ 94, 97 (CCPA 1974). "Absent of any written description in the reference specification of quantitative values,

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arguments based on measurement of a drawing are of little value in proving anticipation of a particular length". See *In re Wright*, 193 USPQ 332, 335 (CCPA 1977). Based on Fig. 6 of Frederick, the bidirectional serial bus that operates both the PC 14 and the display 12 for communicating as the loop signals, e.g., the user input and command signals are transmitted on USB lines 42 and 44, the digital graphics display signals are transmitted on a TDMS line 46, the analog graphic display signals are transmitted on an RGB line 48, the display identification signals are transmitted on a line 50, the baseband video input signal are transmitted on a line 52, and the audio output and input signals are transmitted on line 54 and 56, respectively, see col. 7, lines 43-50. Therefore, the indicated data/signals (42, 44, 46, 48, 50, 52, 54 and 56, see fig. 6) correspond to the loop signals as claimed.

For these reasons, the rejections based on Frederick et al have been maintained.



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